

# **Patient Complaints and Practice-Based Complaints**



British  
Chiropractic  
Association

## 1. Introduction

Nobody likes to receive complaints but when they do arise it is important that they are handled properly.

The General Chiropractic Council's Code of Practice states that "*chiropractors must respect patients' privacy, dignity and cultural differences*".

The General Chiropractic Council expects chiropractors to treat their patients politely, with *respect* and *consideration*. It expects chiropractors to respect *patient's privacy* and *dignity* and for patients to be *informed* about any matters relating to their *condition, treatment* or *prognosis*, in a way which can be *easily understood*. Chiropractors are expected to be honest regarding their investigations, treatment and advice they give their patients.

So why do patients complain? A survey of Community Health Councils published in the early 1990s suggested that the most common causes of patient complaints were breakdowns in communication and unsympathetic or rude attitudes on the part of staff. A further study undertaken within the National Health Service showed that the majority of complainants wanted to see a complaints system which:

- Removed the anxiety and fear from expressing concerns
- Involved complainants
- Took matters seriously
- Offered genuine, sensitive communication
- Included careful listening to ensure concerns are understood
- Guaranteed impartiality
- Offered clear, concise answers
- Was open and honest
- Ensured action to improve services

The General Chiropractic Council requires registered practitioners to establish within their practice and make known to patients a practice-based formal Complaints Procedure (*Code of Practice F2*). Members of the public will also have a right to refer any unresolved complaint to the General Chiropractic Council for investigation. One of the objectives of the BCA is to assist its members in dealing with complaints fairly, honestly, openly and efficiently, thus avoiding the necessity for unnecessary complaints to be referred to the General Chiropractic Council.

As a result of this, the Association has produced the Practice-Based Complaints Procedure, the purpose of which is to assist members in dealing with complaints locally in their own practices.

## 2. When does a complaint become a matter for the Association's Insurers?

Your malpractice insurance policy requires you to notify the BCA Insurance Services of any circumstance or incident that could lead to an allegation of medical negligence or misconduct.

Most patient complaints appear to revolve around poor communication; the inability of the patient to understand what is said; unrealistic expectations of the outcome of the treatment, concerns about charging; condition of premises; attitude of staff, and misinterpretation of the diagnosis given by the chiropractor and the consequent treatment plan. Some patients also demand that their money be refunded, if they are not 'cured', because they consider they should walk away from their practitioner in perfect health. Whilst it may seem straightforward to refund consultation and x-ray examination fees to rid yourself of a complaint, this can cause a problem should the patient later become litigious. The patient's case could be strengthened if you have refunded money without seeking advice from BCA Insurance Services first.

The first indication of a potential negligence claim is often a solicitor's letter addressed to the practitioner, requesting patient's notes prior to a letter claiming clinical negligence. This can appear to be a simple request but the Insurers need to be made aware of such a request, in order to monitor and anticipate potential claims. If you receive a letter from a solicitor, you must contact BCA Insurance Services who will liaise with the insurer on your behalf. The contact details for the support and claims team are 01823 250595 [bcainsurance@lloydwhyte.com](mailto:bcainsurance@lloydwhyte.com)

**PLEASE NOTE: DO NOT SEND ANY CLINICAL NOTES WHEN MAKING THE INITIAL NOTIFICATION AS THESE WILL BE REQUESTED BY INSURERE ONLY IF NECESSARY AND THE RELEVANT PERMISSIONS MUST FIRST BE OBTAINED IN ORDER FOR YOU TO REMAIN COMPLIANT WITH PRIVACY LEGISLATION.**

## 3. What is a Practice Based Complaints System?

The objective of a Practice-Based Complaints System is to create a simplified and fairer complaints procedure, which is:

- Operated by the practitioner himself/herself
- Separate from the practitioner's disciplinary procedure
- Simple to operate, unbureaucratic and not adversarial
- Quick, confidential, local and impartial

The potential benefits to such a system are that

- Complaints can be resolved more quickly and before relationships between practitioner and patient deteriorate
- It is less stressful for all parties
- It provides information to help the practice to improve patient services
- It can boost practice staff morale

### 3.1 What is a Complaints Procedure?

A complaint, as defined by the Citizens Charter is “an expression of dissatisfaction requiring a response”.

A Complaints Procedure is a statement of how patients can raise a matter of concern within a practice and how the practice will respond. All practitioners and staff working within the practice should be familiar with the procedure and are committed to it.

The Procedure should cover

- A designated individual within the practice to investigate complaints
- How a complaint can be made
- By whom
- The types of response which are available be it an oral apology, a written response or a meeting with the complainant
- What records will be kept of complaints and what action will be taken as a result of an analysis of these
- What the complainant can do if he or she remains dissatisfied with the response from the practice

### 3.2 Operating the System

- **Who will administer the system?** – The practice should designate a named person within the practice to take the lead
- **How should a complaint be made?** The practice should have in place patient information (possibly in the form of a leaflet) advising patients on how they should complain. The patient should be able to make a complaint either by
  - a. Speaking to the designated Complaints Officer at the practice, or telephoning the practitioner or designated individual at the practice.
  - b. Putting the complaint in writing.

### 3.3 Who can complain?

Normally, a complaint is made by a dissatisfied patient on his/her own behalf. Some patients, however may wish a relative or friend to make a complaint on their behalf and some may be incapable of making the complaint personally due to their condition. If a complaint is made on someone's behalf you should ensure that the person making the complaint can produce the **PATIENT'S WRITTEN CONSENT** for them to act on his/her behalf.

### **3.4 The initial complaint**

Some complaints are straightforward and do not require extensive investigation and it may be possible to respond to these orally either in person or over the telephone. A file note should be kept of the telephone discussion and the points made, followed up in writing within seven days.

### **3.5 A written complaint**

This should be acknowledged in writing within two working days and the patient advised that the matter is under investigation and that a response will be sent as soon as possible. (It may be necessary at this point to seek further clarification on the complaint and identify what the complainant wishes to achieve).

### **3.6 The investigation**

A designated individual should investigate the complaint as soon as possible after the complaint is received. Consideration should be given to

- Who needs to be involved and what information and response is needed from them
- Whether advice should be sought from your Insurers

If possible, a written response to the complainant should be made within fifteen working days, and depending upon the nature of the complaint, it may be helpful to offer the patient an opportunity to meet the chiropractor or staff involved. The patient should be given the opportunity to bring a friend or relative to that meeting.

### **3.7 Record keeping**

The designated individual should keep full records of complaints, investigations and their responses. This information will be required if the complaint subsequently becomes the subject of further investigation or process outside the clinic.

You may consider it useful to file complaints apart from the clinical record but the file should include the following information

- Name of the complainant concerned
- Date the complaint was made, how and by whom
- Details of the complaint
- Contemporaneous notes of conversations by telephone and/or any meeting which had taken place
- Details of the investigation and the response to the complaint
- Outcome of the complaint and action taken by the practice

- If, despite all your best endeavours, the patient remains dissatisfied you should advise him/her must be advised that they have the right to contact the General Chiropractic Council, if they wish to raise the complaint formally and you must provide the address and telephone number. General Chiropractic Council, Park House, 186 Kennington Park Road, London, SE11 4BT. [enquiries@gcc-uk.org](mailto:enquiries@gcc-uk.org) 020 7713 5155

### 3.8 What are the features of a good procedure?

Your procedure should enable the practice to listen to what patients say and resolve any problems, grievances or misunderstandings as they arise. The information and experience gained should improve services and help to avoid the repetition of problems. The procedure should aim to

- Be as simple and speedy as the issues will permit
- Be accessible and well publicised within the practice
- Be confidential – a private area should be made available for a meeting if possible
- Acknowledge the patient's perception of the situation and give an opportunity for the practice to express understanding
- Be fair and provide a thorough and effective means of resolving grievances and solving problems
- Provide an explanation in plain language, an apology where appropriate and a method of putting matters right

### 3.9 Apologising

If you have done something wrong, then you should apologise to the patient, without admitting any liability. However, this can be a difficult area, and if inappropriately handled could leave you open to a malpractice claim. Some patients will take a simple apology as an admission of liability and as a result, they may be encouraged to pursue a claim against you.

Wording can be chosen that will take "the heat out of the situation" that appears to convey an apology, but without any admission of liability. An example of this might be:-

" I am very sorry to hear that you feel my treatment was inappropriate....."

#### Acknowledgements

With thanks to Back2Health practice in Petersfield

## 4 Guidance Notes

The following guidance notes are intended to assist you and your staff in developing your own procedures. If you require assistance, please contact BCA Insurance Services on 01823 250788 [bcainsurance@lloydwhyte.com](mailto:bcainsurance@lloydwhyte.com)

Your complaints procedure should be:

**PROFESSIONAL** – It is recommended that you nominate a member of your staff to be responsible for handling complaints. Ideally, he/she should receive training in areas such as active listening, customer care, communication skills and assertiveness, to be fully prepared for this role.

**SIMPLE** – Patients should be able to complain in writing, on the telephone or in person – it is unwise to erect barriers to prevent complaints arising. To assist this process, you might wish to use the standardised complaint form (**Form A**).

**WELL PUBLICISED** – You should welcome feedback about the service you provide. You can try and discover the views of patients via a patient suggestion scheme and questionnaire. A complaints procedure should be clearly publicised within the practice and will include contact addresses and telephone numbers for the General Chiropractic Council (**Form B**).

**SPEEDY** – When a complaint is made, it is beneficial to resolve it as soon as possible. Written complaints should be acknowledged within two working days and telephone or personal complainants should be invited to meet the appropriate practice personnel as soon as possible. The aim should be to try and resolve the matter to the satisfaction of both parties as quickly as possible.

**CONFIDENTIAL** – All correspondence should be marked 'Strictly Private and Confidential' and if the complaint is made in person or via the telephone, it is essential that privacy is provided to the complainant.

**EFFECTIVE** – The aim of the procedure must be to investigate the complaint in a thorough and systematic manner without bias, resulting in the best possible outcome for all parties involved.

**POSITIVE** – It is important to build all feedback about your practice into a review of its performance. You may wish to start a complaints log recording negative comments so that recurring problems are identified and addressed to prevent complaints arising.

**FULLY DOCUMENTED** – At each stage of any complaint it is essential to record fully in writing the views of each party, the outcome that was reached, further action agreed, and to sign and date the record (**Forms C, D, & E**).

**GUIDING PRINCIPLES AND STAFF POLICY** - To assist with the implementation of the practice-based complaints procedure, provides guiding principles and staff policy which you may wish to use to ensure that the staff within your practice have fully understood and are committed to the implementation of the policy (**Form F**).

**PATIENT COMPLAINT RECORD**

**FORM A**

**PATIENT DETAILS**

**COMPLAINANT DETAILS (if different from patient details)**

**MR/MRS/MS/MISS/or other title**

**MR/MRS/MS/MISS/or other title**

**SURNAME .....**

**SURNAME .....**

**FIRST NAMES .....**

**FIRST NAMES .....**

**ADDRESS.....**

**ADDRESS.....**

.....

.....

.....

.....

.....

.....

**DATE OF BIRTH .....**

**RELATIONSHIP TO PATIENT .....**

.....

**TELEPHONE NUMBERS**

**TELEPHONE NUMBERS**

**(HOME) .....**

**(HOME) .....**

**(WORK) .....**

**(WORK) .....**

**USUAL CHIROPRACTOR: .....**

.....

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**FULL DETAILS OF THE COMPLAINT – IF LETTER RECEIVED ATTACH TO FORM OR CONTINUE OVERLEAF**

**SIGNED .....COMPLAINANT**

**DATED .....**

**IF THE COMPLAINANT IS NOT THE PATIENT THEN THIS SECTION MUST BE COMPLETED BY THE PATIENT**

I.....hereby authorise the above/attached complaint to be made on my behalf by ..... and I agree that the practice may disclose confidential information about me which I have provided insofar as it is necessary to answer the complaint.

**PATIENT'S SIGNATURE .....**

**DATED .....**



**PATIENT COMPLAINT LEAFLET/POSTER SUGGESTED WORDING**

**PRACTICE COMPLAINTS PROCEDURE**

If you wish to complain about our service, please let us know. We welcome feedback about the service we provide. We have a practice complaints procedure to help resolve problems quickly.

**HOW TO COMPLAIN**

Most problems are best resolved when they arise.

However, if you wish to make a more formal complaint then please do this as soon as possible, preferably within a few days to enable us to address the matter promptly. Complaints should be addressed to

.....

Alternatively, you may ask for an appointment with:

.....

Please be as specific as possible about the complaint which you wish to make to allow us to investigate the matter thoroughly.

**THE ACTION WE WILL TAKE**

Normally, we will acknowledge your complaint within two working days and give you an explanation or arrange a meeting within ten working days.

**COMPLAINING ON BEHALF OF SOMEONE ELSE**

We observe strict rules of confidentiality. If someone is complaining on your behalf we will require written authority from you so that he/she can act on your behalf.

If the complaint remains unresolved, you may refer the matter to the profession's statutory regulator, the General Chiropractic Council, Park House, 186 Kennington Park Road, London, SE11 4BT. [enquiries@gcc-uk.org](mailto:enquiries@gcc-uk.org) 020 7713 5155

## **MODEL PRACTICE BASED COMPLAINTS PROCEDURE**

### **MANNER OF COMPLAINT – HOW WE WILL DEAL WITH COMPLAINTS**

A written complaint will be acknowledged in writing within two working days.

In the case of a telephone complaint or a personal visit, key details will be recorded and arrangements made to talk at a mutually convenient time. This discussion will be acknowledged in writing.

### **THE INVESTIGATION**

An investigator, who may be the owner of the practice, will:

- Contact the complainant
- Establish the facts
- Investigate the matter fully with the appropriate practice personnel
- If appropriate, invite the complainant to a meeting

### **THE MEETING**

At the meeting we will listen to the complainant carefully and ask what it is he/she wishes to achieve (if for any reason the complainant is not the patient then we will ensure that he/she has an appropriate letter of authority to act on behalf of the patient and be sure not to breach patient confidentiality).

If we feel that the practice has been at fault and the standard of care provided was not of an acceptable quality then

- We will apologise and give an explanation.

#### **If we feel that the practice has NOT been at fault then**

- We will explain fully the reasons for reaching this view to the patient.

If the patient remains dissatisfied after receiving our explanation, we will refer him/her to the General Chiropractic Council. Park House, 186 Kennington Park Road, London, SE11 4BT. [enquiries@gcc-uk.org](mailto:enquiries@gcc-uk.org) 020 7713 5155

## RECORD KEEPING

We will ensure that full and proper records are kept throughout the whole complaints procedure including

- Date of complaint and the manner in which it was made e.g. letter/telephone/personal visit
- Name of person complaining (if not the complainant)
- Details of the complaint
- Findings of the investigation
- Notes of any meetings and telephone conversations
- Correspondence between the patient and the practice
- A record of the agreed outcome and action (if any) taken by the practice

We will make the notes while the telephone call or meeting is fresh in our mind. We will keep all the complaint papers in a central complaints file.

## CRITERION FOR CLOSING THE COMPLAINTS PROCEDURE

The procedure ends when the complainant is satisfied with the explanation and/or the action taken.

If the patient remains dissatisfied, then he/she will be informed that he/she may raise the matter with the General Chiropractic Council. Park House, 186 Kennington Park Road, London, SE11 4BT. [enquiries@gcc-uk.org](mailto:enquiries@gcc-uk.org) 020 7713 5155

**PRE-MEETING RECORD**

**SUMMARY OF ACTION BY PRACTICE SINCE RECEIVING COMPLAINT**

ACTION	DATE	INITIALS

**MEETING RECORD**

DATE OF MEETING .....

<b>PRESENT AT MEETING</b>	<b>NAME</b>	<b>ROLE</b>

**MEETING RECORD:**

**WE AGREE THE ABOVE TO BE AN ACCURATE RECORD OF THE MEETING**

**SIGNED (FOR THE PRACTICE) .....**

**SIGNED (FOR/BY THE COMPLAINANT) .....**

**GUIDING PRINCIPLES AND STAFF POLICY**

At this practice we aim to provide a high quality of care and if any patient is dissatisfied or makes a complaint we treat the matter seriously. If a complaint is received it will be handled in accordance with the following principles: -

1. PROFESSIONAL - We will treat all complainants with courtesy and try to address their needs on an individual basis.
2. SIMPLE - Patients may complain in writing, on the telephone or in person. We use a standardised complain form to assist us in this area. (*Form A*)
3. PUBLICISED - We display a poster informing patients how they may make a complaint. A leaflet is available once a complaint has been made or upon request. (*Form B*).
4. SPEEDY - We aim to acknowledge complaints within 2 working days and to respond fully within 15 working days. Our aim is to try and resolve the matter to the satisfaction of both parties as quickly as possible. (*Form C*).
5. CONFIDENTIAL - All correspondence should be marked "Strictly Private and Confidential" and if the complaint is made in person or via the telephone then it is essential that privacy is afforded to the complainant. If for any reason the complainant is not the patient, then ensure that they have the appropriate written authority to act on behalf of the patient. You must be sure not to breach patient confidentiality.
6. EFFECTIVE - The aim of the procedure is to investigate the complaint in a thorough and systematic manner without prejudice, or preconceived views, which will result in the best possible outcome for both parties involved.
7. POSITIVE - It is important to build all feedback about the practice into a review of its performance. We need to identify frequently occurring negative comments so that they can be addressed to prevent similar complaints in the future.
8. FULLY DOCUMENTED - At each stage of any complaint it is essential to record fully in writing what was said, the outcome which was reached, what further action agreed and to sign, date and time the record.

The guiding principles of the BCA's Practice Based Complaints Procedure have been explained to me. I understand them and will endeavour to comply with them at all times.

Signed ..... (Employee) Date .....

Signed ..... (Employer) Date .....